ON BEING MENTIONED

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THE HON'BLE SRI JUSTICE N.V.RAMANA

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W.P.M.P.NO. 7990 OF 2007

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AND

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W.P.NO. 4978 OF 1994

ORAL ORDER:

The writ petition was filed questioning the action of the third respondent in returning the pay order dated 8.7.1993 by an endorsement dated 25.9.1993 without implementing G.O.Ms.No. 839 dated 14.8.1993 and for a consequential direction to the respondents to receive the sale proceeds of Rs.25,000/- from the petitioner and to execute the sale deed in terms of G.O.Ms.No. 839 dated 14.8.1993.

This Court by order dated 23.4.1994 in W.P.M.P.No. 6102 of 1994 passed a conditional order directing the third respondent to execute the sale deed and to register the same in favour of petitioner in respect of the lands mentioned therein on receiving payment of Rs.25,000/- in cash, from the petitioner in accordance with G.O.Ms.No.839 dated 14.8.1992. Thereafter, the writ petition was dismissed by order dated 12.2.2004. The operative portion of the order reads as follows;

> "Though the said order was passed way back in the year 1994, it appears the petitioner has not complied with the conditional order passed by this Court. Having regard to the fact that the petitioner has not deposited the said amount within the stipulated period, I see no reason to entertain this writ petition. The writ petition fails and the same is accordingly dismissed. No order as to costs."

Now, this miscellaneous petition is filed stating that as per the

directions of this Court in W.P.M.P. No. 6102 of 1994 in W.P. No. 4978 of 1994 the petitioner trust delivered the pay order dated 8.7.1993 for an amount of Rs.25,000/- and on receiving the same the respondent has executed the registered sale deed dated 6.6.1994.

Learned counsel for petitioner submitted that the conditional orders of this Court dated 23.4.1994 were complied in toto, and inadvertently the said fact could not be brought to the notice of this Court, resulting in dismissal of the writ petition on the ground of non compliance of the conditional order.

Heard the learned counsel for petitioner and learned counsel appearing for respondents.

Having heard the learned counsel for respective parties and on perusal of the record, it is clear that the conditional interim orders of this Court dated 23.4.1994 were complied with and on receipt of the amount of Rs.25,000/- the respondents have also executed a sale deed in favour of petitioner trust on 6.6.1994, hence, the orders of this Court dated 12.4.2004 recalled. In view of the compliance of the conditional orders of this Court and consequential execution of sale deed in favour of the petitioner trust Board, no further orders are required to be passed in the present writ petition. Accordingly, the writ petition is closed.

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N.V.RAMANA,J

DATE: 2.4.2007
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THE HON'BLE SRI JUSTICE N.V.RAMANA

W.P.M.P.NO. 7990 OF 2007

AND

W.P.NO. 4978 OF 1994

Date: 2.4.2007